

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

DAVID RUFFA,

Case No. 2:15-cv-01610-GMN-PAL

Plaintiff,

ORDER

v.

(IFP App. – Dkt. #3)

JUDGE MICHELLE LEAVITT, et al.,

Defendants.

This matter is before the Court on Plaintiff David Ruffa's Application for Leave to Proceed *In Forma Pauperis* (Dkt. #3). This proceeding is referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(A) and LR IB 1-3 and 1-9.

Mr. Ruffa is a prisoner in the custody of the Nevada Department of Corrections and is proceeding in this action *pro se*. He has twice requested authority pursuant to 28 U.S.C. § 1915 to proceed *in forma pauperis* ("IFP"), meaning without the prepayment of fees. On August 21, 2015, Mr. Ruffa filed his first IFP Application (Dkt. #1). However, his application was incomplete because he did not include a copy of his inmate trust account statement or a financial certificate signed by an authorized officer of the Southern Desert Correctional Center. *See* Order (Dkt. #2) at 2. Local Rule LSR 1-2 and § 1915 specifically require three items be submitted to this Court with a prisoner's IFP application: (1) a financial certificate signed by an authorized officer of the institution in which he or she is incarcerated, (2) a copy of his or her inmate trust account statement for the six-month period prior to filing,¹ and (3) a signed financial affidavit

¹ 28 U.S.C. § 1915(a)(2) states:

A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor, in addition to filing the affidavit filed under paragraph (1), *shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal*, obtained from the appropriate official of each prison at which the prisoner is or was confined.

(emphasis added).

1 showing an inability to prepay fees and costs or give security for them. The Court instructed Mr.
 2 Ruffa to “file a new IFP application, accompanied by a signed and executed financial certificate,
 3 a signed and executed financial affidavit, *and Plaintiff’s inmate trust account statement.*” Order
 4 (Dkt. #2) at 2 (emphasis added).

5 Mr. Ruffa has submitted the new IFP application, including the signed and executed
 6 financial certificate and financial affidavit. *See* IFP Application (Dkt. #3). However, the new
 7 application is still missing a copy of his inmate trust account statement for the six-month period
 8 prior to filing the application. The Court cannot determine the amount of the initial partial filing
 9 fee until Mr. Ruffa has submitted *all* of the required documents. Therefore, the Court will defer
 10 a decision on Mr. Ruffa’s IFP application for 30 days, or until **December 30, 2015**.

11 Accordingly,

12 **IT IS ORDERED:**

- 13 1. Plaintiff David Ruffa’s Application for Leave to Proceed *In Forma Pauperis* (Dkt.
 14 #3) is DEFERRED for 30 days, or until **December 30, 2015**.
- 15 2. Plaintiff shall file his inmate trust account statement no later than **December 30,**
 16 **2015**.
- 17 3. Alternatively, Plaintiff shall pay the filing fee of three hundred fifty dollars
 18 (\$350.00),² accompanied by a copy of this Order, on or before **December 30, 2015**.
- 19 4. Plaintiff’s failure to comply with this Order by (a) submitting his inmate trust account
 20 statement, or (b) paying the filing fee before the **December 30, 2015** deadline will
 21 result in a recommendation to the District Judge that this case be dismissed.

22 Dated this 30th day of November, 2015.

23 
 24 PEGGY A. LEEN
 25 UNITED STATES MAGISTRATE JUDGE
 26
 27

28 ² Pursuant to the Court’s Schedule of Fees dated January 1, 2015, the administrative fee of \$50.00 does not apply to persons granted *in forma pauperis* status under 28 U.S.C. § 1915.